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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF VIOLA TREBICKA
IN SUPPORT OF GOOGLE LLC'S
MOTION FOR ADMINISTRATIVE
LEAVE TO PROPOSE REVISED
BRIEFING SCHEDULE ON
PLAINTIFFS' MOTION FOR ORDER
REQUIRING GOOGLE TO SHOW
CAUSE WHY IT SHOULD NOT BE
SANCTIONED FOR DISCOVERY
MISCONDUCT**

Referral: Hon. Susan van Keulen, USMJ

1 I, Viola Trebicka, declare as follows:

2 1. I am a member of the bar of the State of California and a partner with Quinn Emanuel
3 Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action. I make this
4 declaration of my own personal, firsthand knowledge, and if called and sworn as a witness, I could
5 and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 6-3 and 7-11, I submit this declaration in support of
7 Google, LLC’s Motion For Administrative Leave To Propose Revised Briefing Schedule On
8 Plaintiffs’ Motion For Order Requiring Google To Show Cause Why It Should Not Be Sanctioned For
9 Discovery Misconduct (the “Motion”).

10 3. On October 14, 2021, Plaintiffs filed a 20-page Motion for Sanctions that attached
11 approximately 145 pages of declarations and exhibits (Dkt. 292). On October 19, 2021, the Court
12 stayed briefing of the first sanctions motion “pending resolution of the issues set forth in the
13 forthcoming [Special Master Discovery] Report and Recommendations.” (Dkt. 297).

14 4. On Saturday, February 26, 2022, Plaintiffs filed a second, 25-page Motion for
15 Sanctions and attached nearly 200 pages of exhibits and a declaration in support (Dkt. 430).

16 5. The Court set an evidentiary hearing date on the Motions for Sanctions for April 21,
17 2022 at 10:00 a.m., and ordered Google to file its Opposition Brief by March 24, 2022, and Plaintiffs
18 to file their Reply Brief by April 7, 2021. (Dkt. 443).

19 6. On the same day that its Opposition Brief to Plaintiffs’ Motion for Sanctions is due,
20 March 24, 2022, Google would also have to submit any opening expert reports in the *Calhoun* matter.
21 The next day, March 25, 2022, Google’s opening expert reports in *Brown* are due.

22 7. In order to complete fact discovery before the March 4, 2022 deadline, the parties in
23 both *Brown and Calhoun* are scheduling 24 depositions in the period between February 26 and March
24 24, 2022, including approximately 15 Rule 30(b)(6) depositions.

25 8. Google has numerous deadlines on both dispositive and non-dispositive issues,
26 motions, hearings, etc. These deadlines include, but are not limited to, the following:
27
28

<u>Case</u>	<u>Subject</u>	<u>Relevant Dkt.</u>	<u>Deadline</u>
Both	End of Fact Discovery	Dkts. 464, 505	March 4
<i>Brown</i>	Further meet and confer, filings, productions, and likely briefing re priority issues: P23, P25, P26, P28, P29, P30	Dkts. 447, 450	by March 2, 3, 4, 9, 11, and 15
<i>Calhoun</i>	Further meet and confer, filings, productions, and likely briefing re priority issues: 1.20, 1.23	Dkt. 523	by March 3, 4, 7, 11, and 15
Both	Final Discovery Chart	Dkts. 447, 523	filed by March 11
<i>Brown</i>	Omnibus discovery hearing	Dkts. 447, 523	March 15
<i>Calhoun</i>	Hearing on Motion for Summary Judgment on Affirmative Defense of Consent	Dkt. 505	March 15
<i>Brown</i>	Hearing on Plaintiffs' Motion to Amend Complaint	Dkt. 395	March 15
<i>Calhoun</i>	Google's Reply ISO Motions to Strike Plaintiffs' Expert Reports ISO Class Certification (Mangum)	Dkt. 505	March 16
<i>Calhoun</i>	Google's Reply ISO Motions to Strike Plaintiffs' Expert Reports ISO Class Certification (Turow/John)	Dkt. 505	March 16
Both	Omnibus discovery hearing	Dkt. 529	March 17
<i>Calhoun</i>	Google's Opposition to Plaintiffs' Motion(s) to Strike Expert Testimony (Schwartz)	Dkt. 505	March 23
<i>Calhoun</i>	Opening Expert Reports	Dkt. 505	March 24
<i>Brown</i>	Opening Expert Reports	Dkt. 431	March 25
Both	Numerous Special Master Orders and Deadlines	n/a	Currently Daily
Both	Meetings with Special Master	n/a	Currently Daily
Both	Meet and Confers with both plaintiffs	n/a	Daily
Both	Numerous Motion to Seals and Declarations in Support of the various filings under seal	varies	Daily
Both	At least 24 Google Witness Depositions, including 15 Rule 30(b)(6) depositions	n/a	various dates in March 2022

9. On February 21, 2022, *Brown* Plaintiffs' requested, as a courtesy, that Google consent to extend the deadline for opening expert reports until March 25, 2022 (the day after the deadline the Court scheduled Google's Sanctions Opposition). Google agreed to grant the courtesy, and the parties filed a joint stipulation for Court approval (Dkt. 431).

1 10. On March 2, 2022, Google requested, as a courtesy, that Plaintiffs agree to extend
2 Google's deadline for filing its Sanctions Opposition (*i.e.*, the relief requested herein). Plaintiffs
3 declined to grant the courtesy, necessitating this motion.

4 11. The Court has previously modified the case schedule by extending Plaintiffs' deadline
5 to file a brief response to the affidavit and declaration submitted in response to the Court's request
6 (Dkt. 110), the deadline for special master submissions (Dkt. 206), and to submit joint case
7 management statement (Dkt. 388), and has also granted the parties' stipulations to extend the time to
8 answer the complaint (Dkt. 42), submit protective order and ESI order (Dkt. 72), submit motion to
9 dismiss briefing (Dkt. 73), submit proposed redactions to the April 27, 2021 hearing transcript (Dkt.
10 163) and June 2, 2021 hearing transcript (Dkt. 246), submit a declaration in support of Plaintiffs'
11 motion to seal (Dkts. 294, 367, 408, 448), file Google's response to Plaintiffs' Motion for Leave (Dkt.
12 408), file Google's motion for protective order (Dkt. 301), respond to third-party subpoenas (Dkts.
13 347-50), and answer the Second Amended Complaint (Dkt. 377). The Court has further granted the
14 parties' stipulations setting a briefing schedule for Google's motion to dismiss Counts Six and Seven
15 of the Second Amended Complaint (Dkt. 175) and continuing several discovery and motion deadlines
16 (Dkts. 261, 377), including the deadlines for the close of fact discovery, opening and rebuttal expert
17 reports, close of expert discovery, filing motion for class certification, and the class certification
18 hearing.

19 12. The requested seven-day extension will not affect the schedule in this case.

20 I declare under penalty of perjury of the laws of the United States that the foregoing is true and
21 correct. Executed in Los Angeles, California on March 4, 2022.

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23 DATED: March 4, 2022

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

24
25
26 By 

Viola Trebicka

27 *Attorney for Defendant*
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